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PATENT  
DON01 P-960

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Brent J. Bos, Stephen J. Forbes, Roger L. Veldman  
Serial No. : 10/082,587  
Filed : February 25, 2002  
For : INTERIOR MIRROR ASSEMBLY FOR A VEHICLE INCORPORATING  
A SOLID-STATE LIGHT SOURCE

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

CERTIFICATE OF MAILING

I hereby certify that the accompanying return postcard, Information Disclosure Statement, 13 sheets of PTO-1449, two books of references and one video tape are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents  
Washington, D.C. 20231

on May 24, 2002.

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DSG/ram  
Enclosure

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Washington, D.C. 20231

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

In accordance with 37 CFR 1.51, 1.56, 1.97 and 1.98, Applicants submit herewith patents, publications or other information listed on attached Forms PTO-1449 for consideration by the Examiner in connection with examination of the present application. The below listed information was disclosed or cited of record during prosecution of the parent application Serial No. 09/626,608, filed July 27, 2000, the grandparent application Serial No. 09/287,926, filed April 7, 1999, now U.S. Patent No. 6,139,172, the great-grandparent application Serial No. 08/937,480, filed September 25, 1997, now U.S. Patent No. 5,938,321, and the great-great-grandparent application Serial No. 08/367,844, filed December 30, 1994, now U.S. Patent No. 5,671,996, or in foreign opposition or infringement proceedings concerning a related foreign patent. A copy of each information item is of record in one of these prior related applications, except for the following, copies of which are attached:

U.S. 4,935,665	German 33 01 945	GB 1,136,134
U.S. 4,882,565	German 26 31 713	GB 1,008,411
U.S. 4,882,561	German 941 408	GB 810,010
U.S. 4,425,717	German 73 23 996 (Gebrauchsmuster)	

Translations for these four German patents or publications are also enclosed.

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Applicants : Brent J. Bos et al.  
Serial No. : 10/082,587  
Page : 2

In addition the documents listed in attached Exhibit A were produced as prior art in an infringement action concerning related U.S. Patent Nos. 5,671,996 and 5,938,321. Copies of those items in Exhibit A that are marked with a single asterisk are also attached.

This Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein is "prior art" for this invention unless specifically designated as such.

Under 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists.

#### PATENTS

##### U.S. Patents

<u>Patent No.</u>	<u>Patentee</u>	<u>Issue Date</u>
6,139,172	Bos et al.	Oct. 31, 2000
5,938,321	Bos et al.	Aug. 17, 1999
5,671,996	Bos et al.	Sept. 30, 1997
5,659,423	Schierbeek et al.	August 19, 1997
5,615,857	Hook	April 1, 1997
5,576,687	Blank et al.	November 19, 1996
5,575,552	Faloon et al.	November 19, 1996
5,439,305	Santo	August 1995
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5,253,109	O'Farrell et al.	October 12, 1993
5,202,787	Byker et al.	April 13, 1993
5,193,029	Schofield et al.	March 9, 1993
5,178,448	Adams et al.	January 12, 1993
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5,140,455	Varaprasad et al.	August 18, 1992
5,100,095	Haan et al.	March 31, 1992
5,038,255	Nishihashi et al.	Aug. 6, 1991
5,014,167	Roberts	May 7, 1991
4,948,242	Desmond et al.	August 14, 1990
4,943,796	Lee	July 24, 1990
4,936,533	Adams et al.	June 26, 1990

\*Indicates copy attached

Applicants : Brent J. Bos et al.  
Serial No. : 10/082,587  
Page : 3

4,935,665*	Murata	June 19, 1990
4,886,960	Molyneux et al.	December 12, 1989
4,882,565*	Gallmeyer	November 21, 1989
4,882,561*	Fujioka	November 21, 1989
4,864,473	Tokarz et al.	September 1989
4,826,289	Vandenbrink et al.	May 2, 1989
4,807,096	Skogler et al.	February 21, 1989
4,799,768	Gahan	January 24, 1989
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4,791,534	Lindberg	December 13, 1988
4,781,436	Arnbruster	November 1, 1988
4,733,336	Skogler et al.	March 22, 1988
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4,630,904	Pastore	December 23, 1986
4,626,967	Segoshi	December 2, 1986
4,588,267	Pastore	May 13, 1986
4,580,196	Task	Apr. 1, 1986
4,516,197	Yonkers	May 7, 1985
4,499,451	Suzuki et al.	February 12, 1985
4,425,717*	Marcus	January 17, 1984
4,040,726	Paca	August 9, 1977
3,665,392	Annas	May 23, 1972
3,589,662	Lagrange	June 1971
3,543,018	Barcus et al.	November 24, 1970
3,436,758	Kluth	April 1, 1969
2,595,331	Calihan et al.	May 6, 1952
2,190,123	Pace	February 13, 1940
2,060,401	Smith	November 10, 1936

#### FOREIGN PATENTS AND PUBLICATIONS

<u>Patent No.</u>	<u>Country</u>	<u>Date</u>
615,882 A2	EPO	September 21, 1994
0 165 817	EPO	December 27, 1985
0 254 435	EPO	January 27, 1988
0 334 799	EPC	September 27, 1989
36 14 882	Germany	November 5, 1987
33 01 945*	Germany	July 26, 1984
26 31 713*	Germany	February 3, 1977
23 32 885	Germany	January 23, 1975
73 23 996*	Germany(Gebrauchsmuster)	November 22, 1973
944 531	Germany	July 12, 1956
941 408*	Germany	April 12, 1956
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\*Indicates copy attached

Applicants : Brent J. Bos et al.  
Serial No. : 10/082,587  
Page : 4

1,021,987	France	February 26, 1953
2,210,836	Great Britain	June 21, 1989
1,136,134*	Great Britain	December 11, 1968
1,008,411*	Great Britain	October 27, 1965
810,010*	Great Britain	March 4, 1959
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Lampert, Carl M. and Granqvist, Claes G., "Large-Area Chromogenics: Materials and Devices for Transmittance Control," SPIE Institutes for Advanced Optical Technologies, Volume IS 4, SPIE Optical Engineering Press, September 22, 1988, pp. 46-84, "Automotive Applications of Chromogenic Materials," by Niall R. Lynam and Anoop Agrawal, Donnelly Corporation, Holland, Michigan, U.S.A.

Lynam N.R., "Electrochromic Automotive Day/Night Mirrors," *SAE Technical Paper Series*, 870636 (1987).

Lynam N.R., "Smart Windows for Automobiles," *SAE Technical Paper Series*, 900419 (1990).

Harcourt: Academic Press Dictionary of Science and Technology.

Respectfully submitted,

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May 24, 2002

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Enclosure

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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MAY 31 2002

DONNELLY CORPORATION,	)	CASE NO. 1:00-CV-751
	)	
Plaintiff,	)	HON. RICHARD ALAN ENSLEN
	)	Chief, U.S. District Judge
v.	)	
REITTER & SCHEFENACKER GmbH &	)	Magistrate Judge Ellen S. Carmody
SCHEFENACKER )	)	CO. KG and REITTER &
USA LIMITED PARTNERSHIP,	)	
	)	
Defendants.	)	

RECEIVED  
U.S. DISTRICT COURT  
MAY 31 2002  
2000

(Contains Sealed Documents)

**DEFENDANT REITTER & SCHEFENACKER USA  
LIMITED PARTNERSHIP'S STATEMENT OF PRIOR ART**

Defendant Reitter & Schefenacker USA Limited Partnership ("Reitter USA") hereby submits the following list of prior art that it contends may invalidate one or more of the asserted claims of the United States Letters Patent Nos. 4,733,336; 5,671,996; and 5,938,321 (collectively "patents-in-suit"). Reitter USA's investigation for prior art is still on-going because of Donnelly's repeated failures to cooperate in discovery. Indeed, on two separate occasions Reitter USA sought the assistance of this Court to compel Donnelly to produce documents responsive to Reitter USA's First Set of Requests for the Production of Documents and Things served March 29, 2001. On both occasions, Donnelly was ordered to produce documents. Donnelly, however, did not produce its latest set of documents until December 17, 2001.

Reitter USA also has sought the assistance of this Court in compelling Donnelly to produce documents and things in response to Reitter USA's Second Set of Requests for the Production of Documents and Things, as well as provide full and complete responses to Reitter

addition, Donnelly has failed to produce all responsive documents and things to Reitter USA's Third and Fourth Set of Requests for the Production of Documents and Things. The parties are currently attempting to resolve these deficiencies without the assistance of the Court. However, Reitter USA will seek the intervention of the Court, if necessary, to resolve these disputes, too.

As a result of Donnelly's repeated failures and refusals to cooperate in discovery in this matter, Reitter USA is still pursuing third party prior art in discovery. In addition, without a Markman ruling, Reitter USA is not able to provide a definitive prior art disclosure at this time. Reitter USA reserves the right to supplement its prior art disclosure after this Court issues a Markman ruling and/or upon discovering additional prior art that may invalidate any of the asserted claims of the patents-in-suit.

* U.S. Design Patent No. 50,200	Hawthorne
* U.S. Design Patent No. 115,802	Soderberg
* U.S. Design Patent No. 162,507	Arenberg et al.
* U.S. Design Patent No. 168,065	Paine
* U.S. Design Patent No. 188,508	Morgenstern
* U.S. Design Patent No. 189,844	Cleminshaw et al.
* U.S. Design Patent No. 206,924	Prouty et al.
* U.S. Design Patent No. 207,065	Lee
* U.S. Patent No. 1,206,871	Locke
* U.S. Patent No. 1,353,253	Livingston et al.
* U.S. Patent No. 1,528,082	Schlaich
* U.S. Patent No. 1,615,936	Donovan
* U.S. Patent No. 1,657,334	Adams
* U.S. Patent No. 1,667,545	Goddard
* U.S. Patent No. 1,761,393	Hoegger
* U.S. Patent No. 1,814,728	Moore
* U.S. Patent No. 1,849,708	Colbert et al.
* U.S. Patent No. 1,884,759	La Hodny
* U.S. Patent No. 1,908,767	La Hodny
* U.S. Patent No. 1,912,902	Kramer
* U.S. Patent No. 1,973,908	McIlwee
* U.S. Patent No. 2,012,593	Strong
* U.S. Patent No. 2,046,393	Lewinsohn et al.
* U.S. Patent No. 2,048,939	Leathem
U.S. Patent No. 2,060,401	Smith

\*Copy attached to Information Disclosure Statement

*	U.S. Patent No. 2,149,598	Girl et al.
*	U.S. Patent No. 2,166,303	La Hodny et al.
	U.S. Patent No. 2,190,123	Pace
*	U.S. Patent No. 2,268,189	Colbert
*	U.S. Patent No. 2,414,223	De Virgilis
*	U.S. Patent No. 2,428,649	Brown
*	U.S. Patent No. 2,457,348	Chambers
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*	U.S. Patent No. 2,580,258	Tarasuk
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*	U.S. Patent No. 2,737,852	Porter et al.
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*	U.S. Patent No. 3,104,830	Rock
*	U.S. Patent No. 3,152,216	Woodward
*	U.S. Patent No. 3,211,903	McElreath
*	U.S. Patent No. 3,214,578	Talbot
*	U.S. Patent No. 3,317,906	Baldridge
*	U.S. Patent No. 3,375,364	Marcus
	U.S. Patent No. 3,436,758	Kluth
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*	U.S. Patent No. 3,574,283	Albers
	U.S. Patent No. 3,589,662	Lagrange
	U.S. Patent No. 3,665,392	Annas
*	U.S. Patent No. 3,926,470	Marcus
*	U.S. Patent No. 4,000,404	Marcus
*	U.S. Patent No. 4,023,029	Fischer
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*	U.S. Patent No. 4,075,468	Marcus
*	U.S. Patent No. 4,109,235	Bouthors
*	U.S. Patent No. 4,133,405	Turek
*	U.S. Patent No. 4,167,113	Mann
*	U.S. Patent No. 4,174,864	Viertel et al.
*	U.S. Patent No. 4,203,149	Viertel et al.
*	U.S. Patent No. 4,227,241	Marcus
*	U.S. Patent No. 4,227,242	Marcus
*	U.S. Patent No. 4,274,078	Isobe et al.
*	U.S. Patent No. 4,353,592	Czipschirsch

\* Copy attached to Information Disclosure Statement

*	U.S. Patent No. 4,443,831	Godfrey et al.
*	U.S. Patent No. 4,475,100	Duh
*	U.S. Patent No. 4,479,172	Connor
	U.S. Patent No. 4,499,451	Suzuki et al.
*	U.S. Patent No. 4,511,954	Marcus et al.
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	U.S. Patent No. 4,807,096	Skogler et al.
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	U.S. Patent No. 4,936,533	Adams et al.
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	U.S. Patent No. 5,014,167	Roberts
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*	U.S. Patent No. 5,207,492	Roberts
*	U.S. Patent No. 5,233,204	Fletcher et al.
	U.S. Patent No. 5,253,109	O'Farrell et al.
	U.S. Patent No. 5,327,288	Wellington et al.
*	U.S. Patent No. 5,371,659	Pastrick et al.
	U.S. Patent No. 5,439,305	Santo
	U.S. Patent No. 5,576,687	Blank et al.
	U.S. Patent No. 5,615,857	Hook
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Exhibit A in prosecution history of U.S. Patent No. 4,733,336 - Photograph - Datsun 1975 280Z rearview mirror	
Exhibit B in prosecution history of U.S. Patent No. 4,733,336 - Photograph - 1978 510 rearview mirror	
Exhibit C in prosecution history of U.S. Patent No. 4,733,336 - Photograph - Honda rearview mirror	
Exhibit D in prosecution history of U.S. Patent No. 4,733,336 - Photograph - Honda rearview mirror	
Exhibit E in prosecution history of U.S. Patent No. 4,733,336 - Photograph - Mercedes rearview mirror	
Exhibit F in prosecution history of U.S. Patent No. 4,733,336 - Photograph - Metagal (Brazil) rearview mirror	
Exhibit G in prosecution history of U.S. Patent No. 4,733,336 - Drawing of parabolic reflector used in prototype of lighted rearview mirror of the type disclosed in European Application 165,817 in Oct. or Nov. 1984	
* FR 617,921	Luzena
* FR 811,385	Chavanis
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* GB 933,078	Marchnin et al.
GB 1,008,411	Thompson

\* Copy attached to Information Disclosure Statement

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*	GB 1,053,546	Battersby
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*	<u>Appl. Phys. Lett.</u> 61 (9), "Twofold efficiency improvement in high performance AlGaInP light-emitting diodes in the 555-620 nm spectral region using a thick GaP window layer," pp. 1045 - 1047, August 31, 1992	Huang et al.
*	Geco Sales Brochure, Nov. 15, 1972	Geco
*	Gentex Product Brochure, Undated	Gentex
*	Gentex Product Brochure -- NVS Base II Mirror, Undated	Gentex
*	Gentex Product Brochure -- Gentex EC Mirror with Prince Homelink, Undated	Gentex
*	Hewlett Packard, <i>Optoelectronics /Fiber-Optics Application Manual</i> , McGraw-Hill, 1981	Hewlett Packard
*	Videotape -- Hewlett Packard <i>AlGaAs Technology Introduction Customer Telecon</i> , July 16, 1987	Hewlett Packard
*	Hewlett Packard Journal, "Red AlGaAs Light-Emitting Diodes," pp. 84 - 88, August 1988	Steranka et al.
*	Hewlett Packard <i>Optoelectronics Designer's Catalog 1988 - 1989</i>	Hewlett Packard
*	Hewlett Packard <i>Optoelectronics Designer's Catalog 1991 - 1992</i>	Hewlett Packard
*	Hewlett Packard <i>Optoelectronics Designer's Catalog 1993</i>	Hewlett Packard
*	Hewlett Packard "High Performance T-1 3/4 (5 mm) TS AlInGaP Amber and Reddish-Orange Lamps" Technical Data Sheet, 1994.	Hewlett Packard
*	<u>IEEE Circuits and Devices</u> , "LEDs Challenge the Incandescents," pp. 24 - 29, September 1992	Craford

\* Copy attached to Information Disclosure Statement

* <u>IEEE Transactions on Electron Devices</u> , "An Overview of Visible Light Emitting Diode (LED) Development and the Potential for AlInGaP Devices," November 1993	Craford
* <u>Information Display</u> , "LEDs get brighter ... much brighter," pp. 12 - 14, February 1993	Craford
* <u>J. Electron. Matls.</u> , (20)12, "The Growth and Properties of High Performance AlGaInP Emitters Using a Lattice Mismatched GaP Window Layer," pp. 1125 - 1130, July 25, 1991	Fletcher et al.
* <u>Lamp Technology, Inc. Brochure "LED Equivalents For Incandescent Miniature Lamps,"</u> November 1989	
** The on-sale activity of Donnelly to Ford, General Motors and DaimlerChrysler, including but not limited to evidence provided in Gentex's Confidential Appendix of Exhibits to Gentex's Memorandum in Support of its Motion for Summary Judgment that the Asserted Claims of the '210, '336 and '096 Patents are Invalid Under 35 U.S.C. Section 102(b), as well as supplemental evidence relating to these offers for sale that is still being pursued in discovery.	
* <u>Photonics Spectra</u> , "Bright Prospects for Brighter LEDs," pp. 64 - 66, December 1991	Kaplan
* <u>Popular Science</u> , "Light of the Future -- from Semiconductors," pp. 76 - 78, 118, December 1970	Benrey
* 1989 SAE Ground Vehicle Lighting Manual, SAE J1889, issued June 1988	
* <u>SAE Technical Paper Series</u> , "Development of LED High Mounted Stop Lamp," No. 870061 (1987)	Teshima et al.
<u>SAE Technical Paper Series</u> , "Electrochromic Automotive Day/Night Mirrors," No. 870636 (1987)	Lynam

\* Copy attached to Information Disclosure Statement

\*\* Applicants are not aware of any sales or communications or activity of any type with any third parties concerning the subject matter of the present application more than one year prior to the filing date of the earliest application related to the present application, i.e., December 30, 1994.

* <u>SAE Technical Paper Series,</u> "Development of LED Rear Combination Lamp," No. 880275 (1988)	Kouchi et al.
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<u>SAE Technical Paper Series</u> , "Smart Windows for Automobiles," No. 900419 (1990)	Lynam
SPIE Optical Engineering Press, <i>Large-Area Chromogenics: Materials and Devices for Transmittance Control</i> , "Automotive Applications of Chromogenic Materials" by Niall R. Lynam and Anoop Agrawal, Donnelly Corporation, Holland, Michigan, USA, September 22, 1988	Lampert et al.

Dated: December 28, 2001

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